

GRIEVANCE RETURNED UNANSWERED

Received:

James Ezell III
Inmate signature

10-9-19
Date

DATE: October 7, 2019
TO: Ezell, James, #237370
FROM: James Yates, Warden
Received: September 17, 2019
RE: Return of Grievance # 2019-1001-00343-G

YOUR GRIEVANCE IS BEING RETURNED UNANSWERED BECAUSE OF THE FOLLOWING:

- ☒ You have not filed your grievance within the specified time frame. (CANNOT RESUBMIT)
- ☐ The "Request to Staff" must be submitted within seven (7) days of the incident.
- ☒ The inmate/offender grievance must be submitted by the inmate/offender 15 days from the date of the receipt of the response to the "Request to Staff."
- ☒ An ANSWERED Request to Staff form addressed to the correct staff member must be attached.
- ☒ The Request to Staff issue is not consistent with the issue requested on the Grievance.
- ☐ Inmate Request forms are not utilized in the Grievance Process.
- ☐ You have not completed the Grievance form correctly, in its entirety, or on the correct form.
- ☐ Grievances submitted must be legibly written or typed, in blue or black ink. No pencil, highlighter, or other color of ink is allowed. No drawing, decorating, doodling, or making comments, in the margins of the pages is permitted.
- ☒ The Grievance and Request to staff must be specific as to the Complaint, Dates, Places, Personnel Involved and How the Inmate was Affected.
- ☐ Classification Movement requests to transfer to another facility, are not grievable to DOC.
- ☐ If there has not been response to your Request to Staff in 30 days, but no later than 60 days, of submission, the inmate may file a grievance to the reviewing authority with a copy of the "Request to Staff" attached to the grievance form. (Ask the law library supervisor for a copy of the RTS.) The grievance form may only be filed about the lack of response to the "Request to Staff."
- ☒ Only ONE ISSUE OR INCIDENT is allowed per Grievance and Request to Staff.
- ☒ You are on Grievance Restriction, proper documentation was not included.
- ☐ It has been determined that the grievance is not of an Emergency or Sensitive nature. The grievance is being returned and you must comply with the standard grievance process.

Note: Plaintiff grievances was verified by mailroom Supervisor other prison official involved threaten from Deputy Warden Deposition EXHIBIT 13 a other documents proof

EXHIBIT 13 a) 1

☐ **Section-09 Programs Page: 4 OP-090124 Effective Date: 04/11/2019**

B. Non-grievable Issues

1. Misconduct reports received through the agency disciplinary procedures may not be appealed through the grievance process. Misconduct reports may only be appealed through the disciplinary appeal process as referenced in OP-060125 entitled "Inmate/Offender Disciplinary Procedures."

☐ 2. Grievances shall not be submitted:

☐ (a) about matters that are in the course of litigation;

☐ (b) about matters that include requests for disciplinary action against staff;

☐ (c) requesting monetary compensation; or

☐ (d) For property issues at privately contracted facilities. These are to be resolved by the privately contracted facility and are not grievable or appealable to ARA.

☐ Property issues may be addressed by utilizing the requirements of CCA Policy 14-6: Inmate Resident Property (Property Claim 14-6D and Appeal 14-6E).

☐ **Section-09 Programs Page: 18 OP-090124 Effective Date: 04/11/2019**

A. Determining Abuse of the Grievance Process

1. The appropriate reviewing authority may determine there is abuse or misuse of the grievance process and may restrict the inmate's/offender's ability to submit a grievance. Types of abuse, include, but are not limited to: (PREA 115.52(g))

☐ a. Grievances intended to harass another;

☐ b. The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);

☐ c. The repeated submitting of grievances or "Requests to Staff" about an issue previously addressed by staff in their written response;

☐ d. Grievances about de minimis (small, trifling, no available remedy) issues;

☐ e. Repetitive grievances by multiple inmates/offenders about the same issue;

☐ f. An inmate/offender writing letters instead of utilizing the grievance process and failing to bring complaints by formal grievance;

☐ g. Continued procedural defects, such as submitting additional pages, after having been previously warned.

☐ **Because of continued abuse of the grievance process this serves as an official warning.**

☐ You will be afforded the opportunity to properly re-submit a grievance form within **10 days** of receipt of this notice **WITH THE NOTED CORRECTIONS COMPLETED**. The grievance form must be proper, complete, and submitted to the proper reviewing authority. The failure of such waives/forfeits the right to proceed in the grievance process.

☐ Due to your continued failure to submit a properly filed grievance, you are now **OUT OF TIME**.

☒ Other: **You received the answered RTS on 8/21/19 and the grievance was not received in the Warden's office until 9/17/19. More than 15 days, cannot resubmit. Your request to staff is unclear to your request. The grievance does not match with your RTS.**

~~EXHIBIT 13a~~

EXHIBIT 13a) 2

Larry Underwood

RECEIVED

INMATE/OFFENDER GRIEVANCE

SEP 17 2019

Grievance no. 2019-1001-00343-G

GRIEVANCE

Grievance code: 6

Response due: 10/7/19

DO NOT WRITE ABOVE THIS LINE

Date 8-28-19

Facility or Unit

D.C.F./Echo

Name

James Ezell

Facility Housing Unit

Echo Charlie -102

DOC Number

237320

Date "Request to Staff" response received:

8-23-19

Have you previously submitted a grievance on this same issue? If yes, what date , facility , grievance # . You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

1. The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary. On 6-24-2019 under direction of Mr. Yates Grievance Coord.

Threaten offender Ezell with grievance restriction therefore, my R.T.S was addressed to Warden Yates on 7-31-19 step of DP-090124

As an offender housed on Echo Unit the denial of DP-030115 affects offenders / OFFENDER JAMES EZELL in DP-090124 et. al. First Amendment Right of U.S.C. Notary

2. Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance.

Offender spoke with Echo Charlie Ymiff about Law Library 7-11-19

addressed Echo Ymiff about Law Library 7-28-19

offender has continued to obtain the same access to court as medium yard Law Library from Law Library Supervisor Ms. Patterson 7-18-19

A.W. Perez on issue 8-22-19

3. The action you believe the reviewing authority may lawfully take.

Per DP-090124 D.C. Policy the appropriate staff is suppose to respond to inmate request / Request to Staff Reviewing Authority can not intentionally place offenders on Grievance Restriction because submitted TR, R.T.S, as policy suggest DP-090124.

Grievance report sent to (warden/facility head/deputy director/correctional health services administrator):

JAMES YATES

WARDEN

Name

James Ezell

Title

8-28-19

Signature of Grievant

Date Sent to Reviewing Authority

1. Original to file

2. Copy to inmate/offender

DOC 090124A (R 4/19)

Note: Grievance Coordinator returned 9-12-19 unlogged) Ms. Underwood

EXHIBIT 13C

EXHIBIT 13a) 3

2019-5137-1

Must Be Submitted Through the Law Library or Designee
Inmate/Offender Grievance Process
REQUEST TO STAFF

RECEIVED

AUG 0 2019

BY:

TO: Warden Yates FACILITY/UNIT: D.C.F DATE: 7-31-19
(NAME AND TITLE OF STAFF MEMBER)

I have have not ☒ already submitted a "Request to Staff" or grievance on this same issue.
If yes, what date: N/A facility: N/A grievance #:
I affirm that I do do not ☒ have a grievance pending on this issue.
I affirm that I do do not ☒ have a lawsuit of any type pending that relates in any way to this issue.
If a lawsuit is pending, indicate case number and court:
This request does ☒ does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered.

I have filed a number of Inmate Request first step R.T.S. the second step and grievance which you and Gentry has signed off on concerning denial of D.O.C Policy for all offenders housed at D.C.F by Ms Patterson Law Library Supervisor, Law Clerk and retaliation
(USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how.
offenders on Echo Max Stop being denied DP-090124 and DP-030115 policies of DDOC here at D.C.F

NAME: James Ezell III DOC NUMBER: 237370 UNIT & CELL NUMBER: EC-102
(PRINT)

SIGNATURE: James Ezell III WORK ASSIGNMENT:

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

Unclear on action requested. If you are asking for a copy of the policy, fill out an offender request and a disbursement form so you can pay for the copy. Otherwise, restate your action requested.

M. J.

STAFF MEMBER

DATE

8/14/19

Date response sent to inmate/offender

AUG 21 2019

- 1. Original to file
- 2. Copy to inmate/offender

DOC 090124D (R 4/19)

EXHIBIT 13 d

EXHIBIT 13a) 4

→ because I filed grievances and Henderson by Echo Unit Team Ym Ade Ym Pfaff
c/o Ms. Pirece Ym Vance in addition Ym Adkin, Ym Bullock and Ms Terry Underwood all
connected to Echo Charlie Law Library Cages DP-D30115 grievances filed some granted
some denied as offender Ezell First Sixth Eighth and Fourteenth Amendment Right continue
to be violated, No Administrative Remedy is Available

RECEIVED
SEP 17 2019
GRIEVANCE

I certify offender James Ezell of D.D.C provided a true copy of
D.D.C R.T.S to D.C.F mail room staff on 31st of July 2019 pursuant to tit
21 O.S. § 491 for Law Library Supervisor D.C.F Ms Patterson filing, under penalty of
perjury

Isi James Ezell
Cops 1 of 2

EXHIBIT 13 e

EXHIBIT 13a) CONT. 4

Misconduct/Grievance Appeal To Administrative Review Authority

Inmate Name: James Ezell

DOC Number: 237370

Facility Where Offense/Grievance Occurred:
D.C.F. Echo

Offense Code: 6

Date of misconduct violation: _____

☐ Facility Misconduct Appeal Number

☒ Facility Grievance Appeal Number
19-1001-00343-G

I received the response of the reviewing authority at the facility on: 10-9-19

Fill out this form in blue or black ink. Writing must be legible. I wish to appeal the reviewing authority's response to the misconduct/grievance on the following ground(s) only. DO NOT ATTACH ANY OTHER PAGES. (Use ONLY the back side of this page, if necessary). Your appeal will be returned to you unanswered if any other pages are submitted.



Newly discovered/available evidence not considered by the reviewing authority, relevant to the issue, necessary for a proper decision, and why the evidence was not previously available which if considered may alter the decision (you must clearly state the newly discovered/available evidence); or



Probable error committed by the reviewing authority in the decision such as would be grounds for reversal (you must clearly state the error committed by the reviewing authority, including citing the part of procedures or statutes not followed by the reviewing authority).

Response:

I understand that in accordance with OP-060125/OP-090124, I will be charged \$2 to appeal a misconduct/grievance to the Administrative Review Authority or Chief Medical Officer, and that this form is also a request for disbursement of funds from my trust fund draw account. If I do not have enough funds to cover this cost, the amount will be collected as soon as funds become available.

James Ezell
Signature of Inmate

10-11-19
Date

DOC 060125V (R 4/17)

EXHIBIT 13 f
back side

EXHIBIT 13a) 6
cont back

Newly discovered/ available evidence not considered:

First, on August 29, 2019 prisoner Ezell #237370 provided grievance # through D.C.F. mailroom Supervisors Ms. West verified to G.C. Ms. Underwood. Secondly, on Sept. 12, 2019 this grievance and 2 other submitted was returned in regular mail on Echo C/o Kiner worked unit verified grievances in violation of OP-090124 privileges mail procedure additional proof available. Third, once D.W. Gentry walked thru on Sept. 13, 2019 prisoner Ezell advised him about Ms. Underwood returning grievances in regular mail Sept. 12, 2019 C/o Kiner verified and logged. Fourth, Once Echo Max Notary Public Ms. Hoover denied Notary of Grievance Restriction Affidavit this denied D.O.C. OP-030115 and OP-090124 making offender grievance procedure Unavailable.

Probable errors committed by the reviewing authority

Prisoner Ezell received R.T.S. on 8-23-19 and on 8-29-19 grievance was submitted through D.C.F. mailroom verified returned in regular mail 9-12-19 verified violating prisoner Ezell substantial due process right and OP-090124 attached affidavit well within 15 day.

Next, G.C. Underwood threaten prisoner with grievance restriction on 6-24-19 again 7-1-19 directing prisoner Ezell to Warden Yates R.T.S. address to Warden Yates dates are specific and prisoner issue is of OP-090124 as one specific.

Furthermore, prisoner Ezell grievance filed 8-29-19 on Ms. Hoover for denied Notary actually made prisoner OP-090124 unavailable at R.A. Level by Warden Yates Deputy Warden Perez Deputy Warden Gentry and Ms. Terry Underwood deliberately! DP-090124 Grievance Restriction Requires Notary Ms. Underwood directed Ms. Hoover Not to Notarize prisoner Ezell document. So on 8-29-19 submitted grievance was timely, after being denied Notary of affidavit Deny prisoner First Amendment Right of U.S.C. and Due process!

Last, prisoner Ezell submitted 19-1001-0342 on 8-29-19 and 19-1001-00343 as well as 19-1001-00344 after Ms. Hoover denied Notary on prisoner Ezell grievance restriction affidavit under Ms. Underwood direction to prevent prisoner Ezell ~~grievance~~ from filing grievances on denied access to courts then Retaliation by D.C.F. official..

Prisoners Ezell's First, Sixth, Eighth and Fourteenth Amendment Right continue to be violated by D.C.F. Core Civil private prisons substantial due process

Prisoner Ezell had a right to Notary of documents per OP-030115 and was placed on grievance restriction by Warden Yates 8-1-19 G.C. Ms. Underwood told Ms. Hoover not to provide Notary.. OP-090124 required Notary..

I, James Ezell affiant states under penalty of perjury on that 8-29-19 grievances 19-00342, 19-00343 and 19-00344 was provided to Mailroom Supervisor for Ms. Underwood verified this instant affidavit is true and correct pursuant to 28 U.S.C. 1776 10-14-19
1st James Ezell mailed 10-15-19 p

Subscribed and Sworn to this _____ of _____ 2019

Notary Public _____ Commission _____

GRIEVANCE RETURNED UNANSWERED

Received:

James Ezell
Inmate Signature

10-9-19
Date

DATE: October 7, 2019
TO: Ezell, James, #237370
FROM: James Yates, Warden
Received: September 17, 2019
RE: Return of Grievance # 2019-1001-00344-G

YOUR GRIEVANCE IS BEING RETURNED UNANSWERED BECAUSE OF THE FOLLOWING:

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- ☐ Classification Movement requests to transfer to another facility, are not grievable to DOC.
- ☐ If there has not been response to your Request to Staff in 30 days, but no later than 60 days, of submission, the inmate may file a grievance to the reviewing authority with a copy of the "Request to Staff" attached to the grievance form. (Ask the law library supervisor for a copy of the RTS.) The grievance form may only be filed about the lack of response to the "Request to Staff."
- ☐ Only ONE ISSUE OR INCIDENT is allowed per Grievance and Request to Staff.
- ☒ You are on Grievance Restriction, proper documentation was not included.
- ☐ It has been determined that the grievance is not of an Emergency or Sensitive nature. The grievance is being returned and you must comply with the standard grievance process.

Note: Once Ms. Hoover denied Rotary Emergency Grievance Filed 8-27-19 submitted 8-29-19 mailroom Supervisor Ms. West on 9-12-19 4/0 Kinner signed proof Ex. 12a) 4, 13a) 5 violation of First Amendment Rights

EXHIBIT 14a
EXHIBIT 14a) 1

☐ **Section-09 Programs Page: 4 OP-090124 Effective Date: 04/11/2019**

B. Non-grievable Issues

1. Misconduct reports received through the agency disciplinary procedures may not be appealed through the grievance process. Misconduct reports may only be appealed through the disciplinary appeal process as referenced in OP-060125 entitled "Inmate/Offender Disciplinary Procedures."

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☐ **Section-09 Programs Page: 18 OP-090124 Effective Date: 04/11/2019**

A. Determining Abuse of the Grievance Process

1. The appropriate reviewing authority may determine there is abuse or misuse of the grievance process and may restrict the inmate's/offender's ability to submit a grievance. Types of abuse, include, but are not limited to: (PREA 115.52(g))

☐ a. Grievances intended to harass another;

☐ b. The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);

☐ c. The repeated submitting of grievances or "Requests to Staff" about an issue previously addressed by staff in their written response;

☐ d. Grievances about de minimis (small, trifling, no available remedy) issues;

☐ e. Repetitive grievances by multiple inmates/offenders about the same issue;

☐ f. An inmate/offender writing letters instead of utilizing the grievance process and failing to bring complaints by formal grievance;

☐ g. Continued procedural defects, such as submitting additional pages, after having been previously warned.

☐ **Because of continued abuse of the grievance process this serves as an official warning.**

☐ You will be afforded the opportunity to properly re-submit a grievance form within **10 days** of receipt of this notice **WITH THE NOTED CORRECTIONS COMPLETED**. The grievance form must be proper, complete, and submitted to the proper reviewing authority. The failure of such waives/forfeits the right to proceed in the grievance process.

☐ Due to your continued failure to submit a properly filed grievance, you are now **OUT OF TIME**.

☒ Other: **You received the answered RTS on 8/15/19 and the grievance was not received in the Warden's office until 9/17/19. More than 15 days, cannot resubmit.**

Terry Underwood

INMATE/OFFENDER GRIEVANCE

RECEIVED

SEP 17 2019

GRIEVANCE

Grievance no. 2019-1001-00344 G

Grievance code: 3

Response due: 10/7/19

DO NOT WRITE ABOVE THIS LINE

Date Aug. 28, 2019

Facility or Unit D.C.F./Echo

Name James Ezell

Facility Housing Unit Echo Charlie -102

DOC Number 23370

Date "Request to Staff" response received: 8-20-19

Have you previously submitted a grievance on this same issue? If yes, what date , facility , grievance # . You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

1. The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary. On 7-18-19 inmate request submitted to C/O Ms. Pirece (NO) response; On 7-21-19 R.T.S submitted to appropriate staff member Ms C/O Pirece (NO) response as it relates to retaliation by a number of personnel employees. I was affected by denial of a chair in the Cages on Echo used for Law Library even after I asked video footage times listed. -Attached R.T.S-
2. Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance. On July 18, 2019 I asked C/O Ms. Pirece she acted as if she was bother 8:38 am
On July 18, 2019 I asked C/O Ms. Patterson Law Library Supervisor she stated ask your Unit C/O
On July 18, 2019 abt 903am I asked C/O Vance at Echo Charlie desk he stated ask your
Unit C/O I stated I did. abt 903 I asked C/O Bullock
finally later that day C/O Vance provided a chair
3. The action you believe the reviewing authority may lawfully take. A chair should have been provided then at that moment instead of been
denied by a number of staff in retaliation because there are chairs in the Law
Library on the medium yard Echo Max should be provided with the same opportunity
as Medium Yard ~~at~~ SAME EXACT OPPORTUNITY.

Grievance report sent to (warden/facility head/deputy director//correctional health services administrator):

Name JAMES YATES

Title WARDEN

Signature of Grievant James Ezell

Date Sent to Reviewing Authority 8-28-19

1. Original to file
2. Copy to inmate/offender

DOC 090124A (R 4/19)

Note Grievance Coordinator returned 9-12-19 (unlogged) Ms Underwood 00342, 00343, and 00344

EXHIBIT 14a) 3

RECEIVED

RECEIVED

SEP 17 2019

GRIEVANCE

DOC Number: 33380 Date: Aug 28, 2019 Name: James Ezell Facility Housing Unit: Echo Hoover

STATE OF OKLAHOMA

County of Hughes

SWORN AFFIDAVIT OF JAMES EZELL

I James Ezell being of lawful age duly sworn according to law gives the following statement under oath to-wit:

1. on August 27th 2019 Echo Hoover refused to Notary D.C.F grievance restriction stating Ms Underwood told her not too, time abt.

11:45

EXHIBIT 14a

EXHIBIT 14a) cont 3

2019
49446

FWD to S/S Person

RECEIVED

JUL 28 2019

Must Be Submitted Through the Law Library or Designee
Inmate/Offender Grievance Process
REQUEST TO STAFF

TO: % Piece Ms. % Piece FACILITY/UNIT: P.C.F DATE: 7-21-19
(NAME AND TITLE OF STAFF MEMBER)

I have ☒ have not ☐ already submitted a "Request to Staff" or grievance on this same issue.
If yes, what date: 7-18-19 facility: DLP grievance #:
I affirm that I do ☐ do not ☒ have a grievance pending on this issue.
I affirm that I do ☐ do not ☒ have a lawsuit of any type pending that relates in any way to this issue.
If a lawsuit is pending, indicate case number and court:
This request ☐ does ☒ does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered.

After two other attempts to address you, you placed me in Law Library Cages on Echo Charlie at abt. 8:38 when I asked you for the chair that was sitting by the desk you refused, stating ask the Law Library Supervisor shortly after I did at 8:48 am Ms. Patterson stated ask pool officer

(USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how.

Clearly state why you refused to provide me with a chair when placing me in Law Library cage at 8:38 am knowing one was not in the cage especially after I asked

Copy 1 of 2

NAME: James Ezell (PRINT) DOC NUMBER: 237370 UNIT & CELL NUMBER: EC-102

SIGNATURE: James Ezell WORK ASSIGNMENT:

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

There will be a chair within for Law Library cages. If there is not a chair in the cage Request one.

RECEIVED
STAFF MEMBER

8-6-19
DATE

SEP 17 2019
Date response sent to inmate/offender: JAMES EZELL 237370 EC-102
1. Original to file
GRIEVANCE 8-6-19 DOC 090124D (R 4/19)

Burningham 8/30/19

EXHIBIT 14a) 4

Misconduct/Grievance Appeal To Administrative Review Authority

Inmate Name: James Ezell

DOC Number: 237370

Facility Where Offense/Grievance Occurred: Def Echo

Offense Code: 3

Date of misconduct violation: _____

☐ Facility Misconduct Appeal Number

☒ Facility Grievance Appeal Number
19-1001-00344-G

I received the response of the reviewing authority at the facility on: 10-9-19

Fill out this form in blue or black ink. Writing must be legible. I wish to appeal the reviewing authority's response to the misconduct/grievance on the following ground(s) only. DO NOT ATTACH ANY OTHER PAGES. (Use ONLY the back side of this page, if necessary). Your appeal will be returned to you unanswered if any other pages are submitted.



Newly discovered/available evidence not considered by the reviewing authority, relevant to the issue, necessary for a proper decision, and why the evidence was not previously available which if considered may alter the decision (you must clearly state the newly discovered/available evidence); or



Probable error committed by the reviewing authority in the decision such as would be grounds for reversal (you must clearly state the error committed by the reviewing authority, including citing the part of procedures or statutes not followed by the reviewing authority).

Response:

I understand that in accordance with OP-060125/OP-090124, I will be charged \$2 to appeal a misconduct/grievance to the Administrative Review Authority or Chief Medical Officer, and that this form is also a request for disbursement of funds from my trust fund draw account. If I do not have enough funds to cover this cost, the amount will be collected as soon as funds become available.

James Ezell
Signature of Inmate

10-11-19
Date
DOC 060125V (R 4/17)

~~EXHIBIT 14a~~
back side

EXHIBIT 14a) 5cont.
Back

Newly discovered/available evidence not considered

First, on August. 29, 2019 prisoner Ezell # 237370 provided grievance # through D.C.F. mailroom Supervisors Ms. West verified to G.C. Ms. Underwood

Secondly, on Sept. 12, 2019 this grievance and 2 others submitted was returned in regular mail on Echo 40 Kiner worked unit verified grievances in violation of OP-090124 privilege mail procedure. additional proof available

Third, once D.W. Gentry walked thru on Sept. 13 2019 prisoner Ezell advised him about Ms. Underwood returning grievances in regular mail Sept. 12, 2019 40 Kiner verified and logged

Fourth, Once Echo Max Notary Public Ms. Hoover denied Notary of Grievance Restriction Affidavit this denied D.O.C. OP-03005 and OP-090124 making offender grievance procedure Unavailable!

Fifth, on September. 18, 2019 Ms. Underwood came to Echo Maximum Unit Echo Charlie 102 admitted to telling Ms. Hoover not to Notarize grievance restriction affidavit then suggested that she could make misconduct A-22 go away

Probable errors committed by the reviewing authority

[First,] prisoner Ezell was intentionally provided 3 grievances on [8-13-19] by R.A. Ms. Underwood 19-00241 and 19-00249 also 19-00247 none had box section -09- Program OP-090124 marked grievance restriction however, on 8-15-19 the [mailroom Supervisor] was directed to provide prisoner Ezell with letter from Warden Yates dated 8-7-19 grievance restriction;

Secondly, D.C.F. has assigned Ms. Hoover to Echo to provide Notary Deputy Warden Perez has directed mailroom Supervisors not to Notary Max prisoner documents and Law Library has been directed not to Notary of grievance restriction affidavit on 8-21-19 and 8-30-19 these 3 grievances were submitted through mailroom Supervisors Ms. West on [8-29-19] verified 19-1001-00342, 19-1001-00343 and 19-1001-00344 the return of these grievance by Ms. Underwood violates prisoner Ezell substantial due process First and Fourteenth Amendment of U.S.C.

Third, after August. 15, 2019 prisoner Ezell was advised on Grievance Restriction per OP-090124 and when prisoner Ezell submitted I.R. to Ms. Hoover for Notary she came to Echo Charlie 102 provided Notary of other requested documents but when it came to prisoner Ezell's grievance restriction affidavit Ms. Hoover refused to Notarize that document deliberately and intentionally stating you have filed a law suit on me before

Fourth, prisoner Ezell received the R.I.S. on [8-30-19] in regular mail 40 on Unit verified by signature when prisoner Ezell received R.I.S. verification of submitted grievances on [8-29-19] verification of returned grievances in regular mail on 9-16-19 from Ms. Underwood logged!

I James Ezell, affiant states under penalty of perjury on 8-29-19 grievances was submitted to Ms. West mailroom and verified for G.C. Ms. Underwood pursuant to 28 U.S.C. 1746 this instant affidavit is true and correct by James Ezell mailed 10-15-19

Subscribed and Sworn to this _____ of _____ 2019

Notary Public/By _____

Commission _____

Grievances #	Dates	Description	Dates	Disposition
JCCCL-18-60-ARA	6-8-18	3-Comp Against Staff	7-26-18	+ 20day Notice
JCCCL-18-60-G	5-26-18	3- Comp Against staff	6-5-18	Unanswered
JCCC-18-60-G	7-26-18	3- Comp Against Staff	8-6-18	+ Actual Amended
D.C.F-19-00104-G	2-25-19	6- Legal	3-18-19	Unanswered
D.C.F-19-00104-G	3-19-19	6- Legal	4-9-19	Unanswered
ARA-D.C.F-19-00104-G	4-19-19	6- Legal	4-30-19	Unanswered
D.C.F-19-00144-G	3-20-19	3- Comp Against staff	4-9-19	+ Relief Granted
ARA-19-062-D.C.F-G	3-5-19	6- Legal	3-15-19	Not Sensitive
D.C.F-19-00170-G	3-28-19	3- Comp Against staff	4-19-19	Unanswered
D.C.F-ARA-19-00170	4-23-19	6- Legal	5-23-19	+ Further Invest.
D.C.F-ARA-19-00170	6-24-19	6- Legal	7-9-19	+ Relief Granted
ARA-18-00175-G	8-8-18	Emergency / Sensitive	8-22-18	Not Sensitive
D.C.F-19-00176-G	4-2-19	6- Legal	4-19-19	Unanswered
D.C.F-19-00236-G	4-19-19	3- Comp Against Staff	6-6-19	Unanswered
ARA-D.C.F-19-00236-G	6-9-19	3- Comp Against staff	8-2-19	- Denied Relief
D.C.F-19-00254-G	6-9-19	6- Legal	6-24-19	+ Relief Granted
D.C.F-19-00255-G	6-12-19	6- Legal	6-24-19	Unanswered
D.C.F-19-00267-G	6-24-19	6- Legal	7-1-19	Unanswered
D.C.F-19-00268-G	6-24-19	6- Legal	7-1-19	Unanswered
ARA-D.C.F-19-00267-G	7-2-19	6- Legal	8-2-19	- Denied Relief
ARA-D.C.F-19-00268-G	7-2-19	6- Legal	8-2-19	- Denied Relief
ARA-19-231-G	7-22-19	6- Legal	7-29-19	- Denied Relief
D.C.F-1001-00297-G	8-5-19	3- Comp Against staff	8-13-19	Unanswered
ARA-19-232-G	7-23-19	6- Legal	7-29-19	Denied Relief
D.C.F-1001-00291	8-5-19	2- Classification	8-13-19	+ Relief Granted
D.C.F-1001-00299	8-5-19	2- Classification	8-23-19	Unanswered
ARA-D.C.F-1001-00291	8-14-19	2- Classification (ARA)	9-20-19	resubmit pending
ARA-D.C.F-1001-00299	8-14-19	2- Classification (ARA)	9-20-19	resubmit pending
D.C.F-1001-00297-G	8-20-19	3- Comp Against staff	9-4-19	Unanswered
D.C.F-1001-00138-G	5-29-19	6- Legal	6-4-18	Unanswered
ARA-D.C.F-1001-00138-G	6-8-19	6- Legal	6-22-18	Not Sensitive/Emerg
D.C.F-1001-00170-G	5-14-19	6- Legal	6-13-19	Relief Granted
D.C.F-1001-00255-G	6-12-19	6- Legal	6-24-19	Unanswered
D.C.F-19-1001-00342-G	8-29-19	3- Comp Against Staff	9-12-19	No reason
D.C.F-19-1001-00343-G	8-29-19	3- Comp Against Staff	9-12-19	No reason
D.C.F-19-1001-00344-G	8-29-19	3- Comp Against staff	9-12-19	No reason

I James Ezell pursuant to OP-090124 duly verified affiant made under penalty of discipline for lying to staff or perjury in court attached to grievance, stating that all content of grievance are true and correct declared under penalty of perjury to above file grievances to best of offenders documents and knowledge for Courts: James Ezell

Subscribed and Sworn to this 9 of 6 2019

Notary Public/Sl [Signature] Commission 4-15-2023



EXHIBIT 14a) 6

EXHIBIT

D.C.F-19-1001-00342-G	8-29-19	3 Comp Against Staff	9-12-19	NO REASON
D.C.F-19-1001-00343-G	8-29-19	3-Comp Against staff	9-12-19	NO REASON
D.C.F-19-1001-00344-G	8-29-19	3-Comp Against staff	9-12-19	NO REASON
D.C.F-19-1001-00342-G	9-16-19	3-Comp Against staff	10-9-19	unanswered
D.C.F-19-1001-00343-G	9-16-19	3-Comp Against staff	10-9-19	unanswered
D.C.F-19-1001-00344-G	9-16-19	3-Comp Against staff	10-9-19	unanswered
APA-D.C.F-1001-00299	9-23-19	2-Classification	10-14-19	Denied
APA-D.C.F-1001-00291	9-23-19	2-Classification & But See		NO RESPONSE
APA-D.C.F-1001-00297	9-23-19	3-Comp Against staff	10-14-19	Denied
D.C.F-19-1001-00365	10-1-19	1-Comp Against staff	10-31-19	unanswered
APA-D.C.F-19-1001-00342-G	10-14-19	3-Comp Against staff & But See		NO RESPONSE
APA-D.C.F-19-1001-00343-G	10-14-19	b-Legal & But See		NO RESPONSE
APA-D.C.F-19-1001-00344-G	10-14-19	3-Comp Against staff & But See		NO RESPONSE
APA- 0000	10-7-19	3-Comp Against staff		NO RESPONSE
D.C.F	10-18-19	3-Comp Against staff		NO RESPONSE
APA-19-00337	10-21-19	Sensitive Grievance	10-31-19	NOT Sensitive

STATE OF OKLAHOMA)

) SS.

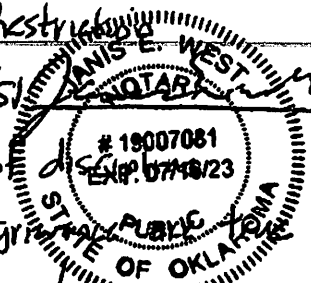
COUNTY OF HUGHES)

SWORN AFFIDAVIT OF JAMES EZELL I James Ezell

being of lawful age duly sworn according to law gives the following statement under oath to-wit:

1) Affiant states D.O.C 0P-090124 requires offenders to informally use 030101A forms, and D.O.C 090124D forms and obtain a response, affiant done that but D.C.F staff/Law Library Supervisor Ms. Patterson together with other staff refuse to deliver a response, and affiant has not received any Grievance Restriction supported on returned grievances as of today date August-16, 2019

I James Ezell duly verified affidavit, made under penalty of perjury for lying to staff attached to grievance stating that all contents of grievance and correct to above file grievances to best of my knowledge
 Subscribed and Sworn to this 20th of August 2019 Date 8/20/19
 Notary Public/ James E. West EXHIBIT (M) EX-1199



INMATE/OFFENDER GRIEVANCE

Grievance no. ARA-19-337

Grievance code: _____

Response due: _____

DO NOT WRITE ABOVE THIS LINE

Date 10-4-19

Facility or Unit D.C.F

Name James Ezell
(Print)

Facility Housing Unit Echo Charlie

DOC Number 237370

Date "Request to Staff" response received: N/A

Have you previously submitted a grievance on this same issue? yes If yes, what date 9-18-19, facility D.C.F, grievance # N/A. You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

1. The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary. On August 29-19 Echo Charlie 3 grievances was provided to mailroom Supervisor Ms. West for D.C.F Grievance Coordinator Ms. Underwood verified August 30, 2019 of delivery per OP-090124 no response in 14 day have been received I am being affected by Denial of my First Amendment Right by D.C.F Reviewing Authority See Affidavit attached No response in 30 days
2. Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance.
Deputy Warden Gentry doorside on 9-13-19 Echo Charlie.
Grievance Coordinator Ms. Underwood on 9-18-19 Echo Charlie doorside.

3. The action you believe the reviewing authority may lawfully take.
Administrative Reviewing Authority may lawfully direct the Review Authority to respond to the Grievances submitted Justly as OP-090124

Grievance report sent to (warden/facility head/deputy director/correctional health services administrator):

Name Mark Knutson Designee

Title D.D.C. ARA

Signature of Grievant James Ezell III

Date Sent to Reviewing Authority 10-1-19

1. Original to file
2. Copy to inmate/offender

DOC 090124A (R 4/19)

~~EXHIBIT 11303~~
EXHIBIT 1149 8

SCOTT CROW
INTERIM DIRECTOR



J. KEVIN STITT
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REVIEW AUTHORITY

ARA 19-337

Date: OCTOBER 25, 2019

To: EZELL, JAMES #237370

Location: DCF

From: Mark Knutson, Director's Designee *Mark Knutson*

Your grievance/correspondence was filed improperly for the following reason(s):

	1. No reviewing authority response to the grievance.
	2. No informal action, Request to Staff response included.
	3. Out of time from date of alleged incident until filing Request to Staff.
	4. Out of time from date of response to Request to Staff until filing the grievance with the reviewing authority.
	5. Received out of time from date of the reviewing authority's response.
	6. You cannot appeal a non-response. See OP-090124 section V.B.1.b.(8) (Request to Staff) or VI.C.4. (grievance).
X	7. Inmate on grievance restriction and/or proper documentation not included. See OP-090124, section X.B.2.a.
	8. Must be legibly written in blue or black ink. No pencil or other color of ink is allowed. No doodling or writing in margins.
	9. Attachments to the grievance/appeal (no additional pages allowed except affidavit if required).
	10. Not an issue grievable to Oklahoma Department of Corrections (Private prison property, misconduct, litigation pending, not within/under the authority/control of the Department of Corrections)
	11. More than one issue or the complaint and relief requested are not consistent on the Request to Staff and grievance.
X	12. Not of a sensitive/emergency nature. You must follow the standard grievance process including giving the reviewing authority an opportunity to respond.
	13. Requests for disciplinary action against staff or monetary compensation will not be addressed in the grievance process.
	14. Appeal form not signed/dated.
	15. The ruling of the Administrative Review Authority or Director's Designee is final.
	16. Facility grievance number not listed on the appeal form.
	17. Additional issues submitted in the grievance appeal and not presented in the initial grievance to the reviewing authority for response will not be addressed by this office.
	18. You have failed to follow previous instructions from the reviewing authority or ARA for filing this grievance/appeal and/or properly resubmit. YOU ARE NOW OUT OF TIME.
	19. You did not provide the date that you received the reviewing authority's response on the appeal form.
	20. This grievance is unanswerable as there are no time frames specified for the alleged action(s) to have occurred
	21. You failed to identify your grounds for an appeal by checking one, or both boxes on the appeal form.
	22. Your appeal must be written on the Misconduct/Grievance Appeal form (DOC060125V effective 4/19).
	23. You will be afforded ONE FINAL opportunity to properly resubmit your corrected grievance appeal which must be received in ARA within ten (10) days of receipt of this form. DO NOT RETURN THIS FORM WITH YOUR CORRECTED APPEAL.
X	24. Other: RE: "SENSITIVE" GRIEVANCE. YOUR AFFIDAVIT IS NOT ACCEPTABLE.

THIS OFFICE WILL NOT PROCESS INCOMPLETE/INACCURATE/OUTDATED APPEAL FORMS
NOTE: Abuse of the grievance process as explained in section IX of OP-090124, will result in restrictions being imposed.

I acknowledge receipt of this response: 10-30-19
Inmate's signature and date

P.O. BOX 11400
OKLAHOMA CITY, OK. 73136-0400

NOTE: Affidavit is within Policy — & Evidentiary Hearing — EXHIBIT 14a) cont. 8

DEPARTMENT OF CORRECTIONS OFFENSE REPORT

Name of Facility DCF Facility Computer Code _____
 Section I
 Inmate Name: James, ezell DOC#: 237370 Date of Offense: 8/29/19 Time: 0810

Place of Offense: echo charlie Housing Assignment: 102
 Offense: (4-4233, b# 1, 2) Offense Computer Code: 22
 Class of Offense: A

Description of Incident (to include any unusual inmate behavior): (4-4233, b#3)
Inmate ezell Doc# 237370 was taken out of his cell to the holding cage for law library purposes at that time Inmate ezell stated he was not going back into his cell and that he wanted to be moved — requesting housing

Staff or Inmate Witness (if any) (4-4233, b#4) N/A

Disposition of Physical Evidence (if any) (4-4233, b#5) N/A

Immediate Action Taken (to include the use of force and prehearing detention) (4-4233, b#6) Offence Report

Printed Name and Title of Reporting Employee (4-4233, b#7) Signature of Reporting Employee
 Name Andrew Smith Andrew Smith
 Title Corrections Officer Date 8/29/19 Time 0810

Section II

To be referred within 24 hours from the time the violation is reported.	
<input type="checkbox"/>	Informal Resolution
<input type="checkbox"/>	Dismissed
<input checked="" type="checkbox"/>	Referred for investigation
Name	<u>J. Wade</u>
Title	<u>S/M</u>
Date	<u>8/29/19</u> Time: <u>0915</u>

Section III Inmate should initial appropriate response

☐ I have received a copy of the written charge against me. I realize that I have a right to remain silent.
☐ I plead guilty and waive my right to an appeal.
JE I plead not guilty.
JE I plead not guilty and waive my right to 24 hours preparation time.

Inmate's Signature James ezell DOC # 237370 Date 8/30/19 Time _____

☐ Inmate chose not to sign for a copy of the Offense Report at this time.

Offense Report Delivered to above inmate by (Print and Sign) _____ Date Delivered _____ Time Delivered _____
 (4-4236, 4-4238)

ORIGINAL: Commitment Document Folder
 FIRST COPY: Field File
 SECOND COPY: Inmate

NOTE: WITH RESPECT TO COURT THIS IS retaliatory behavior by D.C.F. DOC 050125A (R 4/17)
 To PETER Plaintiff from Law Library Cages and grievances filed clear action of actual
 Discrimination by threats and discipline page 6 claim 4

EXHIBIT 15d1

DISCIPLINARY COORDINATOR'S REPORT

Investigating Officer (Print): S & Key Date referred for investigation: 8-29-19

Inmate Name and Number: James 237320 Date investigation completed: 8-30-19

Offense: Failure to obey Offense Code: A22 Date of Offense: 8-29-19

Statement of inmate regarding offense: I Had 6 hr in law library cage after those hours I returned to EC-102 I told c/o Smith I was writing a affidavit against him for retaliations video footage placing me in a piss cage &

☐ Inmate wishes to call witness/es ☒ Inmate does not wish to present witness

Name: _____ Can testify to: _____

Name: _____ Can testify to: _____

- | | YES | NO | (One box should be checked for each statement) |
|----|-------------------------------------|-------------------------------------|--|
| 1. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Inmate provided documentary evidence to investigator. If yes, state evidence. |
| 2. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Statement(s) provided by witness/es attached (or document refusal to provide information). |
| 3. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Discretionary action taken regarding witness testimony. Documentation/ justification attached. |
| 4. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Inmate has received photocopy/description of all evidence. |
| 5. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Written confidential witness testimony/evidence taken (not provided to inmate). |
| 6. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | A staff representative will ONLY be appointed if inmate meets criteria specified in OP-060125 Section III. item A. Assignment of a staff representative is warranted. If so, assigned representative is: _____ |
| 7. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Inmate requested documentary evidence. If yes, state evidence: <u>Video Review</u> . If denied, state reason for denial: <u>No Audio - IT will show that piss cage were being cleaned by JE Court</u> |
| 8. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | CRC attached (front and back side) – not provided to the inmate |

Additional facts discovered by investigator not in incident reports, evidence, and/or witness statements: None Jay James was informed that he attended a legal documents

Disciplinary hearings will normally be scheduled on a docket which will commence within seven days from the date the disciplinary hearing officer receives the "Offense Report" from the disciplinary coordinator. Disciplinary dispositions for Class A & B offenses will be completed within seven days.

Date of Hearing/Disposition: 8/31/19 Time and Location of Hearing/Disposition: 0754/ EC102 Signature of Disciplinary Coordinator: S & Key

I acknowledge receipt of this report, all attachments, and the contents therein. (4-4238)

[Signature]
Inmate's Signature

Date: 8/30/19

Original: Commitment Document Folder
First Copy: Field File
Second Copy: Inmate

~~EXHIBIT 15~~
15b)

Record of Delivery of Copies of Evidence To Inmate

Copies of the following items were delivered to James DOC# 237370

Offense Code A22 Date of Offense 8/29/19

1. Record of Delivery
2. Offense Report
3. Coordinators Report
4. Video Review - Denied NO Audio
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

[Signature]
Inmate's Signature

5% Key
Disciplinary Coordinator's
Signature

8/30/19 10758
Date Time

Distribution

Original: Commitment Document Folder with Offense Report

First Copy: Field File with Offense Report

Second Copy: Inmate with Offense Report

DOC 060125H (R 4/17)

15667

15667

Tracking #: 19-23730

EC 102

DISCIPLINARY DISPOSITION REPORT

(CLASS A & B OFFENSES AND CLASS X GUILTY PLEAS)

I. Name of Facility DCF Facility Code 7E Date of Violation 8/29/19
 Name of Inmate Ezell James
 Last Name First Name M.I.
 Violation Failure to obey Violation Code 22 Class of Offense A
 Disposition Date 9/3/19 DOC # 237370 Time 1132 Place EC 102

II. I understand that I waive the opportunity of this case being appealed if I plead guilty to this offense.

James Ezell # 237370
 Inmate's Name Number

PLEA: 1. Guilty _____ Inmate's Initials _____ 2. Not Guilty JE Inmate's Initials JE

Confidential Statements: I have independently reviewed the reliability statement and have found that it sufficiently supports the reliability of the confidential witness statement(s).

Disciplinary Coordinator's Signature _____

III. Finding

1. Guilty ☒ 2. Not Guilty _____

Evidence relied on for finding of Guilt: (include a brief description of the offending behavior)

Based on % Smith statement that Jim Ezelle did state that he was not going back to his cell and that he wanted to be moved

IV. Discipline Imposed: Sanction Phone 60 Code AD1 Suspension _____
 _____ for _____ days
 _____ for _____ days
 _____ for _____ days
 _____ for _____ days

Basis for discipline imposed: To deter future rule violations

Disciplinary Coordinator Printed Name and Signature S% Key S% Ky

V. As a result of conviction for subsequent offense prior to expiration of the suspended punishment, the previous suspended punishment is hereby revoked: to run consecutive to the new punishment.

Previous Violation: _____

Previous Punishment: 1. _____ 2. _____ 3. _____

Date of Imposition: 1/1

Facility Head Review X Affirm _____ Dismissed _____ Modified _____ Remanded _____

Date 9/4/19 Signature [Signature]

VI. I have received a copy of the disposition. Date 9/16/19

Inmate's Signature and Number James Ezell # 237370

Inmates pleading not guilty may appeal to the facility head/district supervisor within 15 days.

ORIGINAL: Commitment Document Folder

FIRST COPY: Field File

SECOND COPY: Inmate

THIRD COPY: Records

EXHIBIT 15c)

DOC 060125C-1 (R 4/17)

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF OKLAHOMA

State of Oklahoma)
County of Hughes) SS. 19-CV-302-JHP-SPS

Sworn Affidavit of JAMES EZELL
I JAMES EZELL Being of lawful age duly sworn
according to Law gives the following statement under oath
to-wit:

- 1) The affiant is housed at P.C.F on Echo Charlie and from
EC-102 on August. 28, 2019 seen a offender from ~~EC-230~~ EC
in the Law Library Cages and I asked him what you doing?
I am moving to EC-104 today. Affiant further states that I
asked offender EC-104 are you refusing housing he said yeah
I'm trying to get down there with my homeboy in EC-104.
- 2) Affiant further states Echo Unit Members made offender
stay in those cages from at least 9am to abt. 5:45 pm 1/0
Smith moved offender to EC-104 from EC-230 on August. 28, 2019
a little after this offender pissed in that cage.
- 3) Affiant further asserts that on August. 29, 2019 1/0 Andrew Smith
placed affiant in that same pissed in Cage Aug. 29, 2019 for
Law Library at abt. 8:10 am, abt 9:45 am affiant notice his legal
papers were water and called 1/0 Smith to the Cage affiant stated
you knowingly and willingly placed me in this cage intentionally
after that guy refused housing, and pissed in this cage yesterday
August. 28, 2019 on your shift move me out this cage finally
1/0 Smith moved me out the cage. → 151 James Ezell #11

Subscribed and Sworn to this 4 of September 2019
Notary Public 151 Carla Hoover
My Commission 4-15-2020



EXHIBIT 15d)

OFFENDER MISCONDUCT APPEAL FORM
FOR CLASS A & B MISCONDUCTS

Appeal # 2019-1001-2373-D

I. Name of Offender: Ezell James
Last Name First Name M.I.

Violation A-22 Offense Date 08/29/19 Disposition Date 09/03/19 DOC # 237370

II. Review:

1. N/A Offender provided written notice of the charge.
2. N/A Offender provided at least 24 hours to prepare a response after receiving notice of the charge.
3. N/A Offender provided copies of evidence used. (except any confidential informant statements and only photocopies or written description of any physical evidence)
4. Yes Offender afforded the opportunity to call witness/es.
5. Yes Offender permitted to present documentary evidence.
6. N/A Offender permitted to meet with disciplinary coordinator. If not, is there documentation as to why not?
7. N/A Was there a determination of the reliability of any confidential informant testimony?
8. N/A Is there a written explanation of the evidence used for a determination of guilt?
9. Yes Is there a written reason for the discipline imposed?
10. Yes Is there "any/some" evidence of guilt?
11. N/A If applicable, was a staff representative/mental health staff representative assigned?
12. Yes No direct involvement in the alleged rule violation by the disciplinary coordinator?

Finding/Issues:

You allege you were not:

4. permitted the opportunity to present relevant witness/es or to submit relevant written witness statements (You were permitted the opportunity to present relevant witness/es or to submit relevant written witness statements as evidenced by the Disciplinary Coordinator's Report.)
5. permitted to present relevant documentary evidence (You were permitted to present relevant documentary evidence as evidenced by Number 1 on the Disciplinary Coordinator's Report.)
7. provided a Disciplinary Coordinator who had no direct involvement in the alleged rule violation. (You were provided a Disciplinary Coordinator with no direct involvement per OP 060125)

You allege there was no:

3. written reason for the discipline imposed (There is a written reason for the discipline imposed is documented in Section IV of the Disciplinary Disposition Report.)
4. evidence (A copy of all of the reports and attachments were provided to you prior to the hearing as evidenced by Number 4 on the Disciplinary Coordinator's Report and Record of Delivery of copies of Evidence to Inmate.)

Reviewer's Printed Name and Signature: Terry Underwood 10/7/2019
Date

III. Facility Head Action:

1. Affirm ☒ 2. Dismissed ☐ 3. Remand ☐ 4. Modified ☐

Printed Name and Signature: James Yates, Warden 10/8/19
Date

IV. James Yates 10-9-19
Offender Signature/Number Date

/
Staff Witness Date

OFFENDER'S MISCONDUCT APPEAL FORM FOR CLASS A & B MISCONDUCTS

2373

Date: 8-16-19 Facility Housing Unit: Echo EC-102 Facility Where Offense Occurred: P.C.F./Echo Max
 Name: James Ezeil III DOC Number: 237310
 Date of Offense: 8-29-19 Offense: Failure to obey Class of Offense: A-22
 Date of Disciplinary Decision: 9-3-19 Punishment Imposed: 60 days Phone Restriction
 Appeal Form Sent To: James Yates Title: Warden

You must file your appeal to the facility head/district supervisor within 15 calendar days of receipt of DOC 060125L-1, notifying you of finding of guilt and/or punishment. The appeal is a review and you are limited to those grounds below, you must identify which ground is the basis for your appeal. Any alleged failure to strictly follow department procedures is not grounds for appeal. You may use the back side of this form and, if necessary, no more than one 8½" x 11" page as an attachment. Do not attach copies of DOC or facility procedures or administrative memoranda, cases from law books, or any Department publication. Any issue not raised is waived. Appeals will be submitted in blue or black ink. Do not use highlighters. Do not write in the margins of this form.

GROUND FORS FOR APPEAL:

A. I was not:

1. ☐ provided written notice of the charge
2. ☐ provided at least 24 hours to prepare a defense
3. ☐ provided copies of evidence and/or reports (except any confidential testimony/evidence)
4. ☒ permitted the opportunity to present relevant witness/es or to submit relevant written witness statements
5. ☒ permitted to present relevant documentary evidence
6. ☐ permitted to meet with the disciplinary coordinator prior to his/her decision
7. ☒ provided a disciplinary coordinator who had no direct involvement in the alleged rule violation

RECEIVED
SEP 18 2019

BY: TU

B. There was no:

1. ☐ determination of the reliability of any confidential witness testimony
2. ☐ written statement of the evidence utilized for a determination of guilt
3. ☒ written reason for the discipline imposed
4. ☒ evidence
5. ☐ staff representative assigned (if applicable)

9-12-19 James Ezeil III
 Date Sent Signature of Offender

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EXHIBIT 15 f)

First see D.O.C OP-090124 III. D. Reprisals, Conspiracy by Ms. Patterson L.L. Ms. Ade Echo Wm threaten me with misconduct and Ms. Hoover Access To Court related Deputy Warden Perez also threaten with Misconduct [based on Law Library].

[That alone violates Mr. Ezells First, Sixth and Fourteenth Amendment of U.S. Const].

A. Offender Ezell was not permitted #4).

on 8-30-19 I requested to permit other offender that actually refused housing on Echo Charlie one on 8-28-19 was in Echo L.L. Cages and C/o Smith worked Echo Charlie [no misconduct written] by C/o Smith, C/m Pfaff and or Wm Ade, the investigator Sgt Key denied this request #4 relevant written witness affidavit and #5).

#5). permitted relevant documentary evidence. the video footage was denied by Sgt Key the investigator and disciplinary Coordinator S. % Key denies [substantial due process] pursuant to Wolff v. McDonnell, Waldron v. Evan, OP-060125.

#7).

S % Key was the investigator on 8-30-19 and S % Key was the disciplinary coordinator on 9-3-19 violates offender Ezell # 237370 Substantial due process right pursuant to Wolff v. McDonnell;

NOTE: At doorside S. % Key stated to offender Ezell "you are a bitch" on EC-102 reported to J.C. Colbert D.O.C contract monitor, and chief Brown [affidavits written] this is ongoing continue "retaliation" discrimination by Echo Wm Ade, Hoover % Smith

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B. There was no

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#4. evidence

offender Ezell live in EC-102 at 8:30-900am offender was was pulled from EC-102 for Echo Law Library on 8-29-19 for 6hrs after 2:00pm count offender Ezell was placed in EC-102 after Law Library time was up. If C/o Smith gave offender Ezell on Order after placing him in Law Library cage it would be a violation of Mr. Ezells D.O.C OP-030115 and to write an Misconduct would be retaliation for filed grievances this deter offenders of First Amendment Right; S % Key used Evidence relied on C/o Smith

statement offender Ezell was placed in L.L. cage offender had this Deadline 030115 [Now for the discrimination] C/o Smith Statement written reason used by S % Key the investigator and disciplinary Coordinator denied A 4.) 5.) and 7.)

B. #4 and #3 violates offender [substantial Due Process] this Misconduct is nothing more then retaliatory action by C/m Pfaff Wm Ade and C/o Smith and clear Discrimination Affidavits "from other offenders Ex.

NOTE: No Contract Monitor signature of approval on [9-4-19, 9-16-19]